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4   UNITED STATES DISTRICT COURT

5   NORTHERN DISTRICT OF CALIFORNIA

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7   In re BOB SAVAGE,   Case No. 13-cv-02720-JST (PR)

                        Plaintiff.
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9   **ORDER RECLASSIFYING CASE AND
                                                 SETTING DEADLINE**

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12   This case was opened when plaintiff wrote a letter to the court. In an effort to protect

13   plaintiff's rights, it was treated as an attempt to open a new case. It was classified as a prisoner

14   civil rights case not involving conditions of confinement (nature of suit 550). However, in the

15   letter plaintiff clearly expresses his wish that the court order his release – that is, if plaintiff

16   intended to file a case at all, it would be a habeas case (nature of suit 530), because it involves the

17   fact or length of his confinement. The clerk therefore shall reclassify the case on the docket as a

18   530.

19   The day the case was opened the clerk sent plaintiff two notices, one that he had not paid

20   the filing fee or applied for leave to proceed in forma pauperis ("IFP"), and the other that he had

21   not filed a complaint. Included with the notices were the court's form for IFP applications and a

22   prisoner civil rights form packet. He has not returned a completed IFP form, or a complaint.

23   Because this is in fact a habeas case, the complaint form would not be suitable in any event, and it

24   may have confused plaintiff. Plaintiff shall file a habeas petition within twenty-eight days of the

25   date this order is entered. If he does not, the case will be dismissed.

26   Also within twenty-eight days of the date this order is entered, plaintiff either shall (1) pay

27   the $5.00 filing fee for a habeas action, or (2) file a completed prisoner IFP application. If he does

28   not, the case will be dismissed.

United States District Court
Northern District of California

United States District Court
Northern District of California

1   The clerk shall send plaintiff (1) the court's form packet for habeas cases and (2) a prisoner

2   IFP application.

3   **IT IS SO ORDERED**.

4   Dated: July 29, 2013

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        JON S. TIGAR
7   United States District Judge

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